Filed 5/6/16 In re S.K. CA5

NOT TO BE PUBLISHED IN OFFICIAL REPORTS

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FIFTH APPELLATE DISTRICT

In re S.K., a Person Coming Under the Juvenile Court Law.	
FRESNO COUNTY DEPARTMENT OF SOCIAL SERVICES, Plaintiff and Respondent, v. SAMUEL K., Defendant and Appellant.	F072559 (Fresno Super. Ct. No. 14CEJ300155-1) **O P I N I O N**

THE COURT[*]

APPEAL from orders of the Superior Court of Fresno County. Mary Dolas, Judge.

Thomas W. Casa, under appointment by the Court of Appeal, for Defendant and Appellant.

Daniel C. Cederborg, County Counsel, and Brent C. Woodward, Deputy County Counsel, for Plaintiff and Respondent.

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[*] Before Levy, Acting P.J., Detjen, J., and Peña, J.

Appellant Samuel K. (father) appeals from the juvenile court's order terminating his reunification services as to his now 16-year-old daughter S.K. at a 12-month review hearing (Welf. & Inst. Code, § 366.21, subd. (f)(1)).[1] Father contends the termination of services order was error because he was not provided reasonable reunification services. We affirm.

PROCEDURAL AND FACTUAL SUMMARY

In May 2014, then 14-year-old S.K. was arrested for shoplifting. The police contacted the Fresno County Department of Social Services (department) for assistance, explaining that S.K. was a chronic runaway, that father was wheelchair bound and could not control her. Father and S.K.'s mother, Kelly (mother), were divorced and father had full custody of S.K. and her older teenage siblings. S.K. was placed in a group home.

Father stated that S.K. had stolen from various stores, was sexually active, defiant, dishonest, and physically aggressive, and was beginning to use drugs and not attend school. Father and mother stated they could not handle S.K. and suggested the department place her in a group home in another county. They believed S.K. would do better in an unfamiliar place.

The juvenile court ordered S.K. detained pursuant to a dependency petition filed by the department. At the detention hearing, the court ordered a minimum of one supervised visit each week for father and mother. The court also ordered the department to offer them parenting classes and a mental health evaluation and to offer S.K. substance abuse and mental health evaluations. The court set the jurisdictional hearing for June 2014.

S.K. completed a substance abuse evaluation in May 2014. The substance abuse specialist who evaluated her recommended she participate in less intensive outpatient substance abuse treatment. During the evaluation, S.K. stated that father had

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1 All statutory references are to the Welfare and Institutions Code.

emotionally, physically and sexually abused her. She also said that she had experienced serious depression and anxiety in the past 30 days. The department investigated S.K.'s abuse allegations and determined they were unfounded.

By June 2014, mother and S.K. were visiting weekly under supervision and the visits were going well. During the first visit, S.K. disclosed that father sexually abused her on one occasion when she was eight years old. She also said that she enjoyed being in the group home and did not want to live with father or her brother because she did not trust him. Meanwhile, father had not been able to visit S.K. because she refused. A social worker contacted the group home staff and was told that S.K. did not want to visit father at that time.

Father's attorney raised the issue of S.K.'s refusal to visit father at the jurisdictional hearing in June 2014. County counsel stated that the department offered S.K. visits but that she did not want to go. County counsel was concerned that forcing S.K. to visit would jeopardize her safety given her defiant behavior. The court suggested father's attorney confer with the department to see what efforts could be made to facilitate visitation. The case manager scheduled visits for father and S.K. on Tuesdays from 12:00 to 1:00 p.m. The visits were subsequently cancelled because S.K. refused to visit on three consecutive occasions.

In July 2014, the juvenile court conducted a contested jurisdictional hearing. Father testified that S.K. resided with him her entire life. He stated that in the last year, S.K. had been taking off whenever she wanted, using drugs and having sex. She had been picked up numerous times by the police department. He had tried various ways to get help for her, including a diversion program, a medication evaluation and psychological counseling, without success, in part because of S.K.'s refusal to accept help. Father said S.K. was not concerned about the consequences of her actions and had been physical with him and her siblings. His biggest fear was that she would be killed.

She ran away in April of 2014 and was assaulted by eight teenagers and hospitalized. She was discharged three days later and left home with stitches in her head.

The juvenile court adjudged S.K. a dependent child and set a dispositional hearing. The court advised father that the department would design a reunification plan for him. Father told the court that S.K. was angry at him and had refused visits. The court explained that it had ordered visits and the department was to make sure that S.K. was aware of the visits and encourage her to attend but that the department could not physically force her to attend. Father also informed the court that the department had scheduled a mental health assessment for S.K. in August 2014 but had not included him and mother. He asked how it would be of any benefit if S.K. lied to the assessor as she was doing with everyone else. He believed he and the mother should be involved to make sure S.K. was telling the truth. The court ordered the department to notify the parents of S.K.'s appointments and to include them in the development of the reunification plan. The court ordered everyone back on July 17, 2014.

In its dispositional report, the department informed the juvenile court that father and mother were on a waiting list for a parenting class. Mother had completed a mental health evaluation and the department was awaiting the report. Father disclosed that he had been diagnosed with post-traumatic stress disorder but was not receiving treatment. He had not yet scheduled a mental health assessment. Mother was visiting S.K. on a regular basis and visits continued to go well. S.K. was refusing to have any contact with father and wanted a restraining order against him. The department stated it would continue to encourage her to visit.

The department reported that father and mother were highly committed to S.K. and wanted assistance in trying to control her behavior. Though they were divorced, they were able to effectively communicate with each other and parent their children. Father stated he loved S.K. and wanted the best for her, however, he could no longer control her behavior, including the lies and accusations she made against the family. He said he had

S.K.'s brother, Jonathan, "locked up" in juvenile hall and maybe S.K. needed to be locked up also so she could learn from her behavior. He wanted to reunify with her if she were able to get the help she needed. Mother also stated that she loved her daughter but could not have custody of her because she did not believe she could control her behavior or keep her from running away. In addition, there was a restraining order protecting S.K. from mother's live-in boyfriend and another adult child living in her home. Father and mother had not provided the names of any relatives to be considered for placement and no relatives had come forward seeking placement.

The department further reported that S.K. knew she needed help and wanted to change. She was attending her substance abuse classes and learning a lot. She said she did not want to be reunified with her parents, especially her father. She wanted to finish school and attend college. She was open to completing her services and had been compliant thus far.

On July 15, 2014, S.K. was evaluated by a mental health therapist who opined that she developed a poor relationship with her parents and described her as highly mistrustful of others, easily angered and impulsive. S.K. told the therapist she had been molested from age 5 and did not want to have visits with her father. The therapist recommended individual therapy for her.

Father appeared at the dispositional hearing on July 17, 2014, and complained to the juvenile court that he and the mother were not notified in advance of S.K.'s mental health evaluation. He said as long as he was excluded from the decision-making process, he was going to contest any treatment plan that enabled her to continue her defiant behavior. He said he sought out the department's assistance so that S.K. could get help but that the department was enabling her "defiant lying behavior" and not forcing her to face the consequences of her actions. He contacted the district attorney's office (DA) and was told the DA would not pursue charges because S.K. was in the custody of the department. The court explained that the DA did not take its direction from the

department as to whether to file charges and that the juvenile court's role was to protect S.K. not discipline her. The court also explained to father that mental health assessments are confidential and that it did not authorize him to participate in the assessment. It explained that he had a right to know that it was scheduled and to provide any input he believed was useful.

At the conclusion of the July 17, 2014, hearing, the juvenile court scheduled a contested dispositional hearing for September 2014. The court also asked the department to explore whether probation would be more suitable for providing services and supervision given the issues in the case and directed the department to notify father and mother in advance of S.K.'s appointments.

The juvenile court continued the dispositional hearing several times and conducted it in October 2014. In the interim, the department and probation met to discuss S.K.'s case and decided her needs were best met under the department's supervision. Father was unhappy because he was not able to attend the meeting and because he did not like the recommendation. In addition, he had not visited S.K. or agreed to any of the reunification plans proposed by the department.

In October 2014, S.K. appeared with her attorney at the contested dispositional hearing. Her attorney informed the juvenile court that S.K. was doing very well; she completed all phases of substance abuse treatment and made straight A's. S.K.'s attorney also informed the court that S.K. did not want to reunify with father. The court addressed S.K. directly and explained that it was required by law to order visits and the department was required to schedule them. The court told her that she needed to attend visits, even if she did not engage or talk. The court explained that the services and visitation it was going to order were intended to help the family work things out but that it could not physically force S.K. or her parents to do anything. The court asked her if she could keep an open mind and she said that she could.

Father's attorney stated that father did not believe that the department's plan for reunification was going to work but said he had no objection to a parenting class. He did, however, prefer to utilize the mental health services he had through the Veterans Administration (VA) and he requested conjoint counseling. The court agreed that father could utilize the VA's services but required him to provide verification. He agreed that he would.

At the conclusion of the hearing, the juvenile court ordered S.K. removed from parental custody and ordered father to complete a parenting program, a mental health evaluation and any recommended treatment. The court ordered conjoint counseling for father and S.K. if recommended by S.K.'s therapist and a minimum of one supervised visit a week. The court granted the department discretion to advance to unsupervised and liberal visits with notice and set a six-month review hearing for March 2015. Since mother was not requesting reunification services, other than visitation, the court only ordered visitation for her.

In its report for the six-month review hearing, the department recommended the juvenile court terminate father's reunification services and transfer S.K.'s case to the Planned Permanent Living Arrangement (PPLA) unit. Since the dispositional hearing, S.K.'s behavior kept her from being moved from a group home to a lower level of care such as a foster home. Her behavior included excessive and compulsive lying, truancy, absence for hours at a time, refusing to drug test or attend therapy, fighting with group home staff and house members, yelling, punching walls, being physically and verbally aggressive towards others and self-mutilation. She refused to visit father and stated that she did not want a relationship with him. Father, meanwhile, refused to participate in his services because the department was not holding S.K. accountable for her behavior. At the same time, S.K. wanted increased visitation with her mother but her mother was hesitant. She said she wanted to spend more time with S.K. as long as it was supervised. Given S.K.'s propensity for lying, mother was afraid of what S.K. might fabricate. Social

worker Alyssa Cruz-Rodriguez, S.K.'s case manager, said she would speak to S.K.'s therapist about scheduling a conjoint session to discuss mother's concerns.

In March 2015, the juvenile court convened the six-month review hearing. Father and S.K. appeared with counsel. Minor's counsel informed the court that S.K. was doing "very, very well." She had been placed in a foster home, was making very good grades and visiting her mother. She said S.K. was not yet ready to visit father. Father's attorney argued the department had not provided reasonable services in that it had made no effort to encourage or arrange visitation. Father had received one registered letter, one unregistered letter and one telephone call since the last court hearing. His attorney also informed the court that the department had not arranged conjoint counseling or referred him to a suitable parenting class. It referred him for a class designed for parents with much younger children rather than those with teenagers. She said father was participating in mental health services even though he had not provided verifying documentation. She also said he relied on public transportation and requested that meetings and appointments be scheduled at a time when he could attend. Father explained that the bus did not pick him up after 4:00 p.m. and that if appointments extended beyond that he would be stranded. Cruz-Rodriguez explained that she referred father to a teen parenting course but that it was discontinued for lack of funding and there were no other parenting courses that specifically addressed parenting a teenager. She also said S.K.'s therapist stated she was not ready to have father join in therapy.

At the conclusion of the hearing, the juvenile court found that the department provided father reasonable reunification services and continued them to the 12-month review hearing which it set for June 2015. The court ordered the department to meet with father and S.K. to discuss the case plan. Father did not appeal from the juvenile court's reasonable services finding.

In a letter dated April 29, 2015, Cruz-Rodriguez notified father of four visits that were scheduled for him on May 7, 14, 20 and 28 of 2015 at the Center Mall Court from 3:30 to 4:40 p.m. She asked him to contact her if he had any questions.

S.K. continued to do well in her foster home placement until May 1, 2015. On that date, she was given permission by her foster parent to sleep over at a friend's house. Instead of staying with her friend, S.K. and her friends attended a party where alcohol was being served. The police were contacted and S.K. was taken to the station where she registered a .08 blood-alcohol level. The police released S.K. to her foster parent. On May 9, 2015, S.K. was given permission to spend a few hours at her friend's house. She did not return and her whereabouts were unknown until May 11.

On May 11, 2015, Cruz-Rodriguez and her supervisor conducted a meeting with S.K., father, mother, and S.K.'s therapist in attendance. Father expressed concern about S.K.'s latest behavior and asked the department to remove S.K.'s cell phone from her and place her in a higher level of care. According to father, Cruz-Rodriguez and her supervisor dismissed his concerns and announced that the department intended to terminate his reunification services. The next day, S.K.'s foster mother reported that S.K. had been increasingly defiant and disrespectful since the meeting and she could no longer help her. That night, she took S.K. to the department's office and S.K. was placed in a group home. The following day, S.K. left school early and her whereabouts became unknown.

In June 2015, father's attorney submitted a motion to have Cruz-Rodriguez removed from the case for reasons including her failure to arrange visitation, to arrange for him to speak to S.K.'s therapist, to refer him to an appropriate parenting class and to make reasonable accommodation for his transportation difficulties. That same month, father's attorney provided a two-sentence letter from father's mental health therapist on VA letterhead, stating that she had been treating him since April 2015 and that she could be contacted if there were any questions.

In July 2015, father's attorney received a letter from the VA informing her that he would be admitted to the VA Palo Alto Spinal Cord Injury Clinic for several days in early August 2015 for a series of procedures.

In September 2015, S.K. was seen by a doctor for acute depression, decrease in energy and concentration and fearfulness. She was extremely anxious and had told the group home staff that she was paranoid that people at school were touching her in each one of her classes. The doctor prescribed an antidepressant and the juvenile court issued a temporary order for emergency administration of the medication.

In its report for the 12-month review hearing, the department recommended the juvenile court terminate father's reunification services and transfer the case to the PPLA unit. Father told Cruz-Rodriguez that he was not going to participate in reunification services until the department held S.K. accountable for her behavior. He had not participated in parenting classes or provided documentation pertaining to his mental health treatment. In addition, neither he nor S.K. attended any of the four supervised visits scheduled May 2015. S.K. informed Cruz-Rodriguez that she did not want to have a relationship or contact with her father and did not want him to attend any of her medical or therapy appointments.

The juvenile court set the 12-month review for a contested hearing, continued it multiple times at father's request for medical reasons and conducted it in October 2015. Cruz-Rodriguez testified she was assigned S.K.'s case manager in July of 2014. She said father continued his refusal to participate in reunification services. She said that S.K. refused to visit him until May of 2015. At that time, she arranged for visitation at Center Mall Court to accommodate father's transportation issues. She sent out certified letters to inform father and S.K. to notify them of the visits but neither one showed up. She also stated that she referred father to the nurturing parenting program multiple times. The last referral was issued in August of 2015. Father was scheduled for the class but was dropped. She believed that the classes included instruction on all childhood age groups.

She was aware that father wanted instruction focused on teenagers and that the court had ordered her to attempt to locate such a program for him. She searched all of California and found only one program that appeared to meet his needs but it was defunded. She notified father of the August 2015 referral for the nurturing parenting program by letter. She did not personally speak to him regarding the class.

Cruz-Rodriguez also testified that she had no information on the mental health services father was receiving from the VA, except the letter from his therapist stating that he was attending. She did not know how often he went or if he was meeting his therapeutic goals.

Cruz-Rodriguez further testified that she discussed visitation with S.K. during each of their monthly meetings. She would ask S.K. if she had seen or talked to her father and if she wanted to visit him. In July 2015, S.K. asked if she could speak to her father on the telephone. Cruz-Rodriguez informed the group home staff that father was allowed to be on S.K.'s call list. She also stated that the visits were scheduled through the visitation center but were no longer scheduled after S.K. refused to visit. She said they would have to be placed on a waiting list to resume scheduled visitation so she offered to supervise visits herself but never heard anything from father or S.K.

Father testified that he did not participate in the parenting class offered in August 2015 because he was hospitalized for six weeks in July and August of 2015 and could not attend. He said Cruz-Rodriguez was aware of the situation. He also said he would participate in a nurturing parenting program if scheduled at a place and during a time that permitted his attendance but also said that he had located a program he believed met his needs. It was an ongoing program for all members of the family, including children, and addressed substance abuse, living skills and coping skills. He was told he could not participate in the program because it would create a conflict of interest since the mother had already completed the course, addressing her issues with S.K. He denied telling Cruz-Rodriguez that he refused to participate in services. He did tell her that he would

not submit his mental health records to her but would provide them to his attorney. He said he had been participating in mental health therapy monthly except while he was hospitalized.

Father further testified that he was not able to attend any of the scheduled visits because they were scheduled at times when the bus was unavailable to transport him which because of his disability was a direct violation of the "Federal Americans with Disability Act law." He explained that the bus was not available to pick him up after 4:00 p.m. He said he informed Cruz-Rodriguez of his difficulty and that she had known all along. Pressed on the issue, he clarified that some of the scheduled visits were at times when S.K. could not make it because she was in school. He said the mother offered him her visitation time and offered to transport him but Cruz-Rodriguez told them in separate conversations that she could not allow it. He said he saw S.K. after the May 11, 2014 meeting and after a meeting a couple of days before the hearing. He asked if he could have a visit with S.K. at the meeting on May 11, but said Cruz-Rodriguez stated that the department was seeking to terminate his services altogether. He also said he called Cruz-Rodriguez after he received the May letter and told her that every visit was scheduled at a time he could not attend.

Asked what he believed S.K. needed, father said she did not need to be enabled by the department. He said she had been criminally charged four times since she had been in its care and, according to the DA, they "allowed those charges to disappear." He believed she needed ongoing services, such as psychotherapy and medication and substance abuse treatment if she needed them. He also believed she needed to interact with her family. He felt as if the family had been cast aside by the department even though it was their job to find ways to reunify the family. He believed he could provide S.K. a safer home than the one provided by the department. He said he wanted to visit S.K. and that she initiated contact with him in April 2015 and they had spoken by telephone several times a week thereafter.

S.K. testified that Cruz-Rodriguez last asked her about visiting father a year before. She acknowledged that she had not wanted to visit father for most of the previous 15 months but changed her mind less than two weeks before the hearing. Her change of heart came about, she said, when she decided that holding a grudge against her father for something in the past hindered her from doing what she needed to do. She wanted to participate in therapy with him and work on their relationship so that she could go home.

The juvenile court found that father was provided reasonable services; that the department devised a case plan to assist him in overcoming the problems that necessitated S.K.'s removal and made reasonable efforts to implement it. The court believed the dynamic between father and S.K., including her resistance, hindered the process and that S.K.'s change of heart came too late given there was only one month before the 18-month statutory limit on reunification services. The court also found it would be detrimental to return S.K. to father's custody and that it was not in S.K.'s best interest to set a section 366.26 hearing since she was not a proper subject for adoption given her age and behavioral problems. The court terminated father's reunification services and set a post-permanent plan review hearing for March 2016. The court found that returning S.K. to father's immediate custody would create a risk of detriment to her and that the issues would not be resolved before the next statutory hearing which would be on November 18. The court believed the best plan for S.K. was to remain in her group home under a PPLA with a goal of less restrictive placement which included returning her to father and to provide her appropriate therapeutic services. The court asked the department to continue to encourage S.K. to deal with her emotional issues and to increase her visits and time with the family so she could return to her home. The court ordered that visitation continue to be reasonable and supervised and gave the department discretion to advance to unsupervised and liberal visitation and to include father in any type of conjoint therapy. Finally, the court informed father that it did not have the

authority to replace Cruz-Rodriguez and told him he would have to take that up with the department.

This appeal ensued.

DISCUSSION

Father's contention can be summed up by the following statement from his opening brief: "The juvenile court, by abdicating its power to dictate visitation to S.K., in conjunction with the actions of the Department in its refusal to follow the court's orders to schedule visitation and have S.K. attend visitation, denied father his statutory right to visit his daughter." He asks this court to vacate the juvenile court's order terminating reunification services and order that services be extended to 24 months.

The central and only real issue in this case is whether father was provided reasonable visitation. We conclude that he was. However, the issue is obscured by other issues appellate counsel attempts to connect to it; namely, whether the juvenile court unlawfully delegated its authority by giving S.K. absolute discretion to decide whether she would visit father and whether continuing reunification services up to 24 months was an option the juvenile court had at the 12-month review hearing. Therefore, we begin our discussion with a brief overview of reunification services in order to give context to the visitation issue.

Reasonable reunification services, including visitation, are an absolute necessity if the juvenile court is to restore the parent-child relationship. The department is charged with the duty of providing reasonable services. In executing its duty, it must both design a plan to address the problems necessitating the child's removal and make reasonable efforts to help the parent(s) comply. (*In re Riva M.* (1991) 235 Cal.App.3d 403, 414.)

Reunification services are of limited duration. Section 361.5, subdivision (a)(1)(A) limits services to 12 months after the date the child entered foster care for a child who was over the age of three years on the date of his or her initial removal from parental custody (initial removal). A child is deemed to have entered foster care on the

earlier of the date of the jurisdictional hearing or the date that is 60 days after the initial removal. (§ 361.49.)

By the 12-month review hearing in October 2015, father had received 15 months of reunification services. That is because S.K. was removed from his custody on May 8, 2014; 60 days later fell on July 7. The jurisdictional hearing was conducted on July 3, 2014, making it the earlier date.

The juvenile court's options at the 12-month review hearing are governed by section 366.21, subdivision (f)(1). If, as occurred here, the juvenile court finds it would be detrimental to return the child to parental custody, the parent received 12 or more months of reunification services, and conducting a section 366.26 hearing is not in the child's best interests, the court is required to order that the child remain in foster care. That is, unless the court finds that the parent was not provided reasonable services or that there is a substantial probability the child can be returned to parental custody. If the court makes either of the two findings, it must continue reunification services but only up to 18 months from the date of the initial removal. (§ 366.21, subds. (f)(1) & (g)(1), (5).)

Appellate counsel contends the juvenile court miscalculated the time remaining before the 18-month statutory limitation on reunification services. He argues the court could have continued father's services until January 2016, based on 18 months from July 2014, the date S.K. entered foster care. Counsel is mistaken. The juvenile court accurately identified November 2015 as marking 18 months of services, having calculated 18 months from March 2014, the month in which S.K. was initially removed. The statute clearly identifies the child's entrance into foster care as the date triggering the calculation of the 12- but not the 18-month limitation on services. (§ 361.5, subds. (a)(1)(A) & (a)(3).) Further, the juvenile court has no authority at a 12-month review hearing to continue services to 24 months.

We turn to visitation. "Visitation is a necessary and integral component of any reunification plan." (*In re S.H.* (2003) 111 Cal.App.4th 310, 317 (*S.H.*).) Thus,

"[v]isitation shall be as frequent as possible, consistent with the well-being of the child." (§ 362.1, subd. (a)(1)(A).) "It is the juvenile court's responsibility to ensure regular parent-child visitation occurs while at the same time providing for flexibility in response to the changing needs of the child and to dynamic family circumstances. [Citations.] To sustain this balance the child's social worker may be given responsibility to manage the actual details of the visits, including the power to determine the time, place and manner in which visits should occur. [Citation.] In addition, the parents' interest in the care, custody and companionship of their children is not to be maintained at the child's expense; the child's input and refusal and possible adverse consequences if a visit is forced against the child's will are factors to be considered in administering visitation." (*S.H.*, *supra*, 111 Cal.App.4th at p. 317.)

"Nevertheless, the power to decide whether *any* visitation occurs belongs to the court alone. [Citations.] When the court abdicates its discretion in that regard and permits a third party, whether social worker, therapist or the child, to determine whether any visitation will occur, the court violates the separation of powers doctrine. [Citation.] The discretion to determine whether any visitation occurs at all 'must remain with the court, not social workers and therapist, and certainly not with the children." (*S.H.*, *supra*, 111 Cal.App.4th at pp. 317-318; original italics.)

Whether the juvenile court impermissibly delegates its discretion over visitation depends on the terms of the visitation order. (See, e.g., *In re T.H.* (2010) 190 Cal.App.4th 1119, 1123-1124; *S.H.*, *supra*, 111 Cal.App.4th at p. 319.) Though appellate counsel contends the juvenile court abdicated its power to dictate visitation to S.K., he also concedes that "the juvenile court did not make a visitation order giving S.K. the option to visit or not, …." Indeed, the court's visitation order specifically required a minimum of one visit per week. Since counsel in effect concedes the juvenile court did not impermissibly delegate its authority over visitation, we will treat the issue as abandoned.

Further, whether the department made reasonable efforts to implement a reunification plan, including visitation, depends on the circumstances of each case. (*Robin V. v. Superior Court* (1995) 33 Cal.App.4th 1158, 1164.) "The standard is not whether the services provided were the best that might be provided in an ideal world, but whether the services were reasonable under the circumstances." (*In re Misako R.* (1991) 2 Cal.App.4th 538, 547.) On a challenge to the juvenile court's reasonable services finding, we view the evidence in a light most favorable to the juvenile court. In so doing, we indulge in all legitimate inferences to support the finding and uphold the finding if substantial evidence supports it. (*Id.* at p. 545.) Father has the burden of demonstrating there is no evidence of a sufficiently substantial character to support the juvenile court's finding. (*In re L.Y.L.* (2002) 101 Cal.App.4th 942, 947.)

Father contends that the complete lack of visitation with S.K. was the direct result of the department's failure to encourage S.K. to visit and to accommodate his disability when scheduling visits. He argues the only evidence offered by the department that it facilitated visitation was the May 2015 visits which were scheduled at a time he could not attend.

Granted, if viewed superficially, the department's efforts to facilitate visitation appear careless. For example, it is perplexing that the only visits actually scheduled were between 3:30 and 4:30 p.m. when father had previously stated he had to leave at 4:00 p.m. to catch the last bus home. It is also notable that several of the scheduled visits were on days when S.K. was in a runaway status. However, the problem with visitation was not just the time selected. Further, the complete absence of visitation cannot be laid at the feet of the department. Rather, the problem stemmed from S.K.'s refusal to visit father and the inability of anyone to force her.

S.K. entered the juvenile dependency system because she was out of control and a danger to herself. Father could not control her and had exhausted all other resources. He hoped the department could do what neither he nor anyone else had been able to do, i.e.,

control her. S.K., however, was not going to be "controlled" and she was not ready to be helped. She continued to act out in all the ways she had before, except now she was under the supervision of the department. Not surprisingly, the department could not make her do anything, including visit father against her will.

Suffice it to say, S.K. simply was not going to visit father until she was ready. Unfortunately, she was ready just weeks before the 12-month review hearing, over a year after she was removed from father's custody. She admitted that she was holding a grudge against father and had decided it was time to move beyond that. Until she decided to abide by the visitation order and cooperate with the department, there was nothing the department could have done short of physical force to make her visit. Consequently, any effort it made under the circumstances to further visitation was reasonable.

We conclude on the facts of this case that substantial evidence supports the juvenile court's finding that father was provided reasonable reunification services, including visitation, and affirm the court's order terminating his reunification services.

DISPOSITION

The order is affirmed.